

Manual of Policies and Procedures
COMMUNITY CARE LICENSING DIVISION

**TRANSITIONAL HOUSING
PLACEMENT PROGRAM**

Title 22
Division 6
Chapter 7



STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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TRANSITIONAL HOUSING PLACEMENT PROGRAM

This Users' Manual is issued as an operational tool.

This Manual contains:

- a) Regulations adopted by the Department of Social Services (DSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other State Departments affecting DSS programs
- c) Statutes from appropriate Codes which govern DSS programs
- d) Court decisions; and
- e) Operational standards by which DSS staff will evaluate performance within DSS programs.

Regulations of DSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other departments' regulations and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will be identified by a vertical line on the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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CHAPTER 7 -- TRANSITIONAL HOUSING PLACEMENT PROGRAM**Article 1. General Requirements****86000 GENERAL****86000**

- (a) A Transitional Housing Placement Program (THPP) as defined in Section 86001t(1) shall be governed by the provisions specified in this chapter. In addition, such THPPs, except where specified otherwise, shall be governed by Chapter 1, General Licensing Requirements.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Section 1502, Health and Safety Code; and Section 16522, Welfare and Institutions Code.

86001 DEFINITIONS**86001**

In addition to Section 80001, the following shall apply:

- (a) (1) "Administrative Office" means the central administrative headquarters of the licensee and is the component of the THPP Program that is licensed by the licensing agency.
- (b) (Reserved)
- (c) (1) "Certificate of Approval" means the county approval as a condition of licensure according to Welfare and Institutions Code Section 16522.1.
- (2) "Certificate of Compliance" means the document generated and retained by the licensee that verifies that the single housing unit meets the requirements of Health and Safety Code Section 1501(b)(5) and may be used as living quarters for THPP participant(s).
- (3) "Child" means a person who is under 18 placed in a licensed transitional housing placement program by a regional center, a parent or guardian, or a public child placement agency with or without a court order. "Child" also means a person who is:
- (A) 18 or 19, meets the requirements of Welfare and Institutions Code section 11403, and continues to be provided with care and supervision by the transitional housing placement facility.

86001 DEFINITIONS (Continued)

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Welfare and Institutions Code section 11403 provides:

"...(b)...Effective January 1, 2012, a nonminor former dependent child or ward of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 shall be eligible to continue to receive aid up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision shall apply when one or more of the following conditions exist:

- (1) The nonminor is completing secondary education or a program leading to an equivalent credential.
- (2) The nonminor is enrolled in an institution which provides postsecondary or vocational education.
- (3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.
- (4) The nonminor is employed for at least 80 hours per month.
- (5) The nonminor is incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor. The requirement to update the case plan under this paragraph shall not apply to nonminor former dependents or wards in receipt of Kin-GAP program or Adoption Assistance Program payments."

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- (d) (1) "Department-Approved County THPP Plan" means a county THPP plan that is submitted by the county to the Department that states that the county's Independent Living Program will actively participate in the screening and supervision of THPP participants in accordance with Welfare and Institutions Code Section 16522.5.
- (e) (Reserved)
- (f) (Reserved)
- (g) (1) "Gender Expression" refers to the ways a person communicates their gender identity through clothing, haircut, behavior and interaction with others.
(2) "Gender Identity" means a person's internal identification or self-image as male, female, or other.

86001 **DEFINITIONS** (Continued)**86001**

- (h) (1) "Host County" means a county without a Department-approved plan that gives approval to a licensed THPP in another county to provide services to THPP participants in that host county.
- (2) "Host County Letter" means a county letter authorizing a THPP provider licensed in an adjacent county to operate in the host county that does not have a Department approved THPP plan.
- (3) "Host Family" is a variant of the remote site model and means a living situation where the THPP participant resides in a single housing unit with one or more adults approved by the THPP.
- (i) (1) "Independent Living Program (ILP)" means the program authorized under Title 42, Section 677(a)(1) of the U.S. Code (Social Security Act), for services and activities to assist children age 16 or older who are either a dependent (Welfare and Institutions Code Section 300) or a ward (Welfare and Institutions Code Sections 601 and 602) of the court to make the transition to independent living.
- (j) (Reserved)
- (k) (Reserved)
- (l) (1) "Law enforcement" means any officer, sheriff, or marshal of a city, county, state, or federal law enforcement agency.
- (m) (Reserved)
- (n) (Reserved)
- (o) (Reserved)
- (p) (Reserved)
- (q) (Reserved)
- (r) (1) "Remote Site Model" means a single housing unit where the participant lives independently and where licensee staff do not live in the same building as the participant.
- (s) (1) "Sexual Orientation" describes a person's emotional, romantic or sexual attraction to others that may be shaped at an early age.
- (2) "Single Housing Unit" means a living unit such as an apartment, single family dwelling, or condominium intended to house a THPP participant(s).
- (3) "Sub-Administrative Office" means any additional, independently licensed office set up by the THPP to supplement the services provided by the administrative office.

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86001 DEFINITIONS (Continued)**86001**

- (t) (1) "Transgender" means a person whose gender identity does not correspond with their anatomical sex. A transgender girl or woman is a girl or woman whose birth sex was male but who understands herself to be female. A transgender boy or man is a boy or man whose birth sex was female but who understands himself to be male.
- (2) "Transitional Housing Placement Program (THPP)" means the licensed components, as well as the components that are certified by the THPP as meeting licensing requirements.
- (A) The licensed components of the THPP are the administrative office that provides THPP administrative and operational functions, and the sub-administrative offices.
- (B) The certified components of the THPP are the THPP units and the THPP staff residential units that also may house or allow access to THPP participants.
- (3) "Transitional Housing Program-Plus (THP-Plus)" means a transitional housing placement program not licensed by the Department, but, certified by counties to provide housing and supportive services, as needed, to THP-Plus tenants and THP participants who are aged 18 to 21 pursuant to Welfare and Institutions Code Section 11403.2(a)(2).
- (4) "Transitional Housing Placement Program Participant" (participant) means an individual placed in a THPP unit.
- (5) "Transitional Housing Placement Program Participant Living Unit" (THPP Participant Living Unit) means the single housing unit where the THPP participant resides as specified in Health and Safety Code Section 1559.110(d).

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- (A) Health and Safety Code Section 1559.110(d)(1) describes a model in which one or more participants live in an apartment, single-family dwelling, or condominium with an adult employee of the provider.
- (B) Health and Safety Code Section 1559.110(d)(2) describes a model in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by the provider, located in a building in which one or more adult employees of the provider reside and provide supervision.
- (C) Health and Safety Code Section 1559.110(d)(3) describes a "remote site model" in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by a provider and under the supervision of the provider, upon California Department of Social Services approval.

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86001 DEFINITIONS (Continued)**86001**

- (5) "Transitional Housing Placement Program Staff Residential Unit" (THPP staff residential unit) means the residential unit where only the adult employee(s) and their child(ren) reside(s) as specified in Health and Safety Code Sections 1559.110(d)(2) and (3).
- (6) "Transitional Independent Living Plan (TILP)" means the written service delivery plan, available on the Child Welfare Services Case Management Services (CWS/CMS) that identifies the youth's current level of functioning, emancipation goals and the specific skills needed to prepare the youth to live independently upon leaving foster care. The plan is mutually agreed upon by the youth and the social worker/probation officer.
- (u) (Reserved)
- (v) (Reserved)
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

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Welfare and Institutions Code Section 11400(r) provides:

"Transitional housing placement facility" means either of the following:

"A community care facility licensed by the State Department of Social Services pursuant to Section 1559.110 of the Health and Safety Code to provide transitional housing opportunities to persons at least 16 years old, and not more than 18 years old unless they satisfy the requirements of Health and Safety Code Section 11403, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program."

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Welfare and Institutions Code Section 11403 provides in part:

"A child who is in foster care and receiving aid pursuant to this chapter and who is attending high school or the equivalent level of vocational or technical training on a full-time basis prior to his or her 18th birthday, may continue to receive aid following his or her 18th birthday so long as the child continues to reside in foster care placement, remains otherwise eligible for AFDC-FC payments, and continues to attend high school or the equivalent level of vocational or technical training on a full-time basis and the child may reasonably be expected to complete the educational or training program before his or her 19th birthday. Aid shall be provided such an individual pursuant to this section provided both the individual and the agency responsible for the foster care placement have signed a mutual agreement, if the individual is capable of making an informed agreement, which documents the continued need for out-of-home placement."

Health and Safety Code Section 1559.110(d)(1), (2) and (3) provide in part:

"(d) Transitional Housing Placement Program services shall include any of the following:

- "(1) Programs in which one or more participants live in an apartment, single-family dwelling or condominium with an adult employee of the provider.
- "(2) Programs in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by the provider located in a building in which one or more adult employees of the provider reside and provide supervision.
- "(3) Programs in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by a provider under the supervision of the provider if the State Department of Social Services provides approval."

HANDBOOK ENDS HERE

| NOTE: Authority cited: Sections 1502.8, 1530 and 1559.110, Health and Safety Code. Reference: 42 USC Section 677; Sections 1559.110 and 1559.115, Health and Safety Code; and Sections 11400, 11401, 11403, 16001.9, 16522.1, and 16522.5, Welfare and Institutions Code.

Article 2. License Required**86005 LICENSE REQUIRED****86005**

- (a) In addition to 80005, the following shall apply, except as specified in the Health and Safety Code Section 1559.110(c) and (e).
- (1) No individual, organization or governmental entity shall provide THPP services as described in Health and Safety Code Section 1559.110 without first obtaining a Transitional Housing Placement Program license from the licensing agency.
- (2) A certified THPP as defined in Health and Safety Code Sections 1559.110(c) and (e) is exempt from licensure.

HANDBOOK BEGINS HERE

- (A) Health and Safety Code Section 1559.110(e) provides:

"A transitional housing placement facility that serves only eligible youth over 18 years of age who have emancipated from the foster care system shall not be subject to subdivision (a), provided the facility has been certified to provide transitional housing services by the appropriate county social services or probation department, and has obtained a local fire clearance. No later than June 30, 2002, the department shall establish certification standards and procedures in consultation with the County Welfare Directors Association, the California Youth Connection, the county probation departments, and provider representatives. The certification standards shall include, but not be limited to, a criminal background check of transitional housing providers and staff."

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NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1503, 1505, 1508, 1509, 1520, 1559.110 and 1559.115 Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

86009	AVAILABILITY OF LICENSE	86009
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- (a) The current license shall be posted in a prominent, publicly accessible location in the administrative office of the licensee.
- (b) A photocopy of the current license shall be retained in the THPP staff residential unit, if applicable.
- (c) A photocopy of the current license shall be posted in a prominent, publicly accessible location in the sub-administrative office.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1508 and 1531, Health and Safety Code.

86010	LIMITATIONS ON CAPACITY AND AMBULATORY STATUS	86010
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- (a) In addition to Section 80010 the following shall apply:
 - (1) Residents of a THPP participant living unit shall be limited to the THPP participant, children of participants, THPP employees and their children, if applicable, and persons approved by the licensee, and authorized by the Department's Community Care Licensing Division, to remain in the THPP Unit.
 - (2) Other persons, as authorized by the Department's Community Care Licensing Division, may live in the remote site as described in Health and Safety Code Section 1559.11(d)(3).

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1531 and 1559.110, Health and Safety Code and Section 16522, Welfare and Institutions Code.

Article 3. Application Procedures**86018 APPLICATION FOR LICENSURE****86018**

- (a) Prior to applying for a license, and in a county that has a Department-approved THPP plan, the applicant must submit to the county department of social services or the county probation department a program plan that meets the criteria outlined in the county THPP plan and includes the provisions of Welfare and Institutions Code Sections 16522 and 16522.1.
- (b) In addition to Section 80018, the following shall apply:
- (1) The application shall be filed with the licensing agency designated to serve the THPP proposed geographic area of service.
 - (2) An applicant can be licensed to operate a THPP only in counties that have a Department-approved THPP plan.
 - (3) If a county does not have a Department-approved THPP plan the THPP provider may provide services in that county only if the provider has:
 - (A) A host county letter authorizing the THPP provider to provide services in that county; and
 - (B) A license in an adjacent county that does have a Department-approved THPP plan.
 - (4) The application shall contain a Certificate of Approval from either the county department of social services or the county probation department, approving the applicant's plan of operation. The Certificate of Approval shall verify that the plan of operation meets the criteria outlined in the county THPP plan and includes the provisions of Welfare and Institutions Code Sections 16522 and 16522.1 as specified in Health and Safety Code Section 1559.115.

HANDBOOK BEGINS HERE

- (A) Health and Safety Code Section 1559.115 provides in part:

"No applicant shall be issued a license...unless the county department of social services or the county probation department, in the county where the license will be issued, has certified the program as described in Section 16522.1 of the Welfare and Institutions Code."

HANDBOOK CONTINUES

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(B) Welfare and Institutions Code Section 16522.1 provides:

"In order to be licensed pursuant to Section 1559.110 of the Health and Safety Code, an applicant shall obtain certification from the county department of social services or the county probation department that the facility program provides all of the following:

"(a) (1) Admission criteria for participants in the program, including, but not limited to, consideration of the applicant's age, previous placement history, delinquency history, history of drug or alcohol abuse, current strengths, level of education, mental health history, medical history, prospects for successful participation in the program and work experience..."

"(2) The department shall review the admission criteria to ensure that the criteria are sufficient to protect participants and that they do not discriminate on the basis of race, gender, sexual orientation, or disability.

"(b) Strict employment criteria that include a consideration of the employee's age, drug or alcohol history, and experience in working with persons in this age group.

"(c) A training program designed to educate employees who work directly with participants about the characteristics of persons in this age group placed in long-term care settings, and designed to ensure that these employees are able to adequately supervise and counsel participants and to provide them with training in independent living skills.

"(d) A detailed plan for monitoring the placement of persons under the licensee's care.

"(e) A contract between the participating person and the licensee that specifically sets out the requirements for each party, and in which the licensee and the participant agree to the requirements of this article.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- "(f) An allowance to be provided to each participant in the program. In the case of a participant living independently, this allowance shall be sufficient for the participant to purchase food and other necessities.
- "(g) A system for payment for utilities, telephone, and rent.
- "(h) Policies regarding all of the following:
 - "(1) Education requirements.
 - "(2) Work expectations.
 - "(3) Savings requirements.
 - "(4) Personal safety.
 - "(5) Visitors including, but not limited to, visitation by the placement auditor pursuant to subdivision(d).
 - "(6) Emergencies.
 - "(7) Medical problems.
 - "(8) Disciplinary measures.
 - "(9) Childcare.
 - "(10) Pregnancy.
 - "(11) Curfew.
 - "(12) Apartment cleanliness.
 - "(13) Use of utilities and telephone.
 - "(14) Budgeting.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

"(15) Care of furnishings.

"(16) Decorating of apartments.

"(17) Cars.

"(18) Lending or borrowing money.

"(19) Unauthorized purchases.

"(20) Dating.

"(21) Grounds for termination that may include, but shall not be limited to, illegal activities or harboring runaways.

"(i) Apartment furnishings, and a policy on disposition of the furnishings when the participant completes the program.

"(j) Evaluation of the participant's progress in the program and reporting to the independent living program and to the department regarding that progress.

"(k) A linkage to the federal Job Training and Partnership Act (29 U.S.C. Sec. 1501 et. seq.) program administered in the local area to provide employment training to eligible participants."

(C) Welfare and Institutions Code Section 16522.5 provides:

"Prior to approval of supervised THPPs in a county, the department shall approve a plan submitted by the county's independent living program that includes assurances that the independent living program shall participate actively in the screening of candidates for this program and shall assist the licensed agency in the supervision of clients participating in the program."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1520, 1520.11, 1525.3, 1559.110, and 1559.115, Health and Safety Code; Sections 11401, 11402, 11403, 16522, 16522.1, 16522.2, 16522.5, and 16522.6, Welfare and Institutions Code; and 29 U.S.C., Section 1501 et. seq.

86020 FIRE CLEARANCE**86020**

- (a) THPP licensees are not subject to the provisions in Section 80020. Instead, THPP licensees are subject to the following and the THPP shall secure and maintain for each THPP participant living unit any fire clearance required by and approved by the fire authority having jurisdiction.
- (b) The THPP shall request a fire clearance for the THPP participant living unit prior to residence of a non-ambulatory individual.
 - (1) The non-ambulatory individual may be the participant, persons approved by the licensee and authorized by the licensing agency to remain in the apartment, the child of a THPP participant, a THPP employee, or the employee's child(ren).

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1520, 1531, 1531.2, 1531.4, 13234, and 13235, Health and Safety Code.

86022 PLAN OF OPERATION**86022**

- (a) In addition to Section 80022, excluding Sections 80022(b)(9) and (b)(11), the plan of operation shall contain the following:
 - (1) The street address and mailing address, if different, for the administrative office and sub-administrative office; street address for the THPP staff residential unit(s) if applicable; and the THPP participant living units.
 - (2) The licensee shall provide the licensing agency the business telephone number and the 24-hour emergency telephone number of the THPP licensee or designee.
 - (3) Complete job descriptions of all THPP employees, including number of staff, classification, qualifications and duties, information regarding lines of authority and staff responsibilities.
 - (4) A comprehensive program statement including:
 - (A) Goals of the THPP.
 - (B) Description of the youth to be served.
 - (C) Admission criteria for THPP participants, as specified in Welfare and Institutions Code Section 16522.1(a).
 - (D) Staff training plan shall include the following:
 - 1. Training new employees.
 - 2. Ongoing training.

86022 PLAN OF OPERATION (Continued)

86022

3. Training topics.
4. Qualifications of the trainer.
- (E) Detailed plan for monitoring the THPP participants.
- (F) Procedures for responding to complaints and emergencies on a 24-hour basis.
- (G) Contract to be used between the THPP and the THPP participant. The contract shall include:
 1. The rights of each party; and
 2. Responsibilities of each party.
- (H) The procedures for determining the amount of allowance provided to each THPP participant, and the schedule for disbursement.
- (I) Procedures for payment or monitoring of utilities, telephone, and rent including the consequences for those participants who are unwilling or unable to meet their financial obligations or whose behavior is disruptive to the program and infringes on the rights of other participants in the program.
- (J) Program policies, as specified in Welfare and Institutions Code Section 16522.1(h).
- (K) Description of proposed THPP participant living unit furnishings, and policy regarding disposition of furnishings when the THPP participant completes the program.
- (L) Procedures for evaluating the THPP participant's progress.
- (M) Description of linkages with Job Training Partnership Act programs.
- (5) Procedures for the development, review, implementation and modification of the needs and services plan for participants placed in the THPP.
- (6) Separate rules and program design for youth who are in the foster care system and for youth who are no longer in the foster care system, but who are participating in the THPP.
- (7) The THPP's policies and procedures concerning when and how to involve law enforcement in response to an incident at a THPP living unit, and how these policies and procedures will be communicated to staff, participants, and to participants' authorized representative(s).
 - (A) Nothing in Section 86022(a)(7) shall be interpreted to require a licensee to take any action that would endanger, or to prevent a licensee from taking any action that would protect, the health and safety of either participants or staff.

86022 PLAN OF OPERATION (Continued)**86022**

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1520, 1531, and 1559.110, Health and Safety Code; and Sections 11401 and 16522.1, Welfare and Institutions Code.

86023 EMERGENCY PLAN**86023**

- (a) THPP licensees are not subject to the provisions in Section 80023. Instead, THPP licensees are subject to the following and the following shall apply:
- (1) Each licensee shall develop and provide a current, emergency plan for the THPP participants.
 - (2) The emergency plan shall include emergency information, instructions and telephone numbers, including a 24-hour emergency number for the licensee and the participant's responsible party.
 - (3) The licensee shall ensure that each staff and resident understands and is capable of implementing the plan.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1520 and 1531, Health and Safety Code.

86024 DEPARTMENT APPROVAL FOR REMOTE SITE MODEL**86024**

- (a) Unless prior written licensing agency approval is received as specified in Section 86024(b) below, no licensee may place a participant in a remote site model as described in Section 86001(t)(4)(C).
- (b) The licensing agency shall have the authority to approve the use of a remote site model after considering a written plan submitted by the licensee that ensures at least the following:
- (1) The remote site model shall be utilized with provisions for safe and adequate services, and shall not be detrimental to the health and safety of any participant.
 - (2) The licensee shall submit a written request to utilize the remote site model together with the following supporting information:
 - (A) Support may include, but is not limited to alternate and supplemental services, procedures, techniques, personnel, and staffing ratios that provide protective health and safety measures equal to those in the models described in Section 1559.110(d)(1) and (d)(2).
 - (B) Support shall consider the individual characteristics and maturity of the participant that renders this model safe and consistent with the participant's TILP.

86024 DEPARTMENT APPROVAL FOR REMOTE SITE MODEL (Continued) 86024

- (c) The licensing agency shall, within 30 days of receipt of a written request to utilize a remote site model, do one of the following:
- (1) Notify the licensee in writing that the written request is deficient and specify what additional information is needed; or
 - (2) Notify the licensee in writing whether the written request was denied or approved. A denial shall specify the reason(s) for denial
- (d) If the written request is denied at a level below the Regional Manager, the licensee has the right to request review by the Regional Manager, within 15 days of the date of the denial.
- (e) The Regional Manager shall review the denial and respond in writing to the written request and uphold or overturn the denial within 30 days of receipt of the request for review.
- (f) If the Regional Manager upholds the denial, the licensee has the right, within 15 days of the date of the Regional Manager's denial, to request, in writing, a final review by the Program Administrator.
- (g) The Program Administrator shall review and respond in writing to approve or deny the request to overturn the denial within 30 days.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1520, and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

86028 CAPACITY DETERMINATION 86028

- (a) In addition to Section 80028, a license shall be issued for a specific capacity based on the licensee's available or projected THPP participant living units and the Plan of Operation.
- (b) A THPP licensee may request a change in capacity based upon the change in the number of available or projected THPP participant living units.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**86030.5 IDENTIFICATION OF TRANSITIONAL HOUSING
PLACEMENT PROGRAM PARTICIPANT LIVING UNITS****86030.5**

- (a) The administrator of the THPP, or his or her designee, shall complete and sign a Certificate of Compliance for each THPP participant living unit, as defined in Section 86001(c)(2), that verifies that the participant living unit meets the requirements of the Health and Safety Code Section 1501(b)(5).

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- (1) Section 1501(b)(5) of the Health and Safety Code states in pertinent part:

"(b)...[T]he Legislature declares it is the intent of the state to develop policies and programs designed to:

"...(5) insure that facilities providing community care are adequate, safe and sanitary;"

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- (b) The licensee shall retain this Certificate of Compliance for review by the Department.
- (c) The Certificate of Compliance shall include the following:
- (1) The capacity for which each THPP participant living unit has been certified.
 - (2) Any limitations, including ambulatory status.
 - (3) Date of issuance.
 - (4) Date of expiration, not to exceed one year from the date of issuance.
 - (5) Statement that each THPP participant living unit meets licensing requirements as specified in these regulations.
- (d) Prior approval shall be obtained by the licensee from the licensing agency when a remote site model is planned as part of the program. The approval required pursuant to Health and Safety Code Section 1559.110(d)(3) must be obtained prior to the issuance of a Certificate of Compliance for any remote site unit.

86030.5	IDENTIFICATION OF TRANSITIONAL HOUSING PLACEMENT PROGRAM PARTICIPANT LIVING UNITS	86030.5
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- (1) Health and Safety Code Section 1559.110(d)(3) states:

"Programs in which a participant lives independently in an apartment, single family dwelling, or condominium rented or leased by a provider under the supervision of the provider [may operate only] if the State Department of Social Services provides approval."

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- (e) A copy of the Certificate of Compliance shall be maintained in the licensee's administrative office.
- (f) Copies of the Certificate of Compliance shall also be maintained in the sub-administrative office responsible for the THPP participant living unit and/or the staff residential unit, if applicable.
- (g) The Certificate of Compliance is not transferable and shall be void upon a change of location of the participant living unit.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1502, and 1559.115, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

86031.5	NOTIFICATION	86031.5
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- (a) The licensee shall notify the licensing agency when a THPP participant living unit is approved for use, and when a THPP participant living unit is no longer used.
- (b) The licensee shall provide the licensing agency with a list of all current addresses and telephone numbers of all THPP participant living units and THPP staff residential units. The licensee shall provide the licensing agency an updated list whenever a change is made.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1531, and 1559.115, Health and Safety Code; and Section 16522, Welfare and Institutions Code.

86036 APPLICATION PROCESSING AND ANNUAL LICENSE FEES**86036**

- (a) The department shall charge applicants and licensees fees in accordance with Health and Safety Code Section 1523.1.

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Health and Safety Code Section 1523.1 reads as follows:

“(a)(1) An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license. After initial licensure, a fee shall be charged by the department annually on each anniversary of the effective date of the license. The fees are for the purpose of financing the activities specified in this chapter. Fees shall be assessed as follows, subject to paragraph (2):

Fee Schedule

Facility Type	Capacity	Initial Application	Annual
...			
Other Community Care Facilities	1-3	\$454	\$454
	4-6	\$908	\$454
	7-15	\$1,363	\$681
	16-30	\$1,815	\$908
	31-49	\$2,270	\$1,135
	50-74	\$2,725	\$1,363
	75-100	\$3,180	\$1,590
	101-150	\$3,634	\$1,817
	151-200	\$4,237	\$2,119
	201-250	\$4,840	\$2,420
	251-300	\$5,445	\$2,723
	301-350	\$6,050	\$3,025
	351-400	\$6,655	\$3,328
	401-500	\$7,865	\$3,933
	501-600	\$9,075	\$4,538
	601-700	\$10,285	\$5,143
	701+	\$12,100	\$6,050

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(2)(A) The Legislature finds that all revenues generated by fees for licenses computed under this section and used for the purposes for which they were imposed are not subject to Article XIII B of the California Constitution.

(B) The department, at least every five years, shall analyze initial application fees and annual fees issued by it to ensure the appropriate fee amounts are charged. The department shall recommend to the Legislature that fees established by the Legislature be adjusted as necessary to ensure that the amounts are appropriate.

(b)(1) In addition to fees set forth in subdivision (a), the department shall charge the following fees:

(A) A fee that represents 50 percent of an established application fee when an existing licensee moves the facility to a new physical address.

(B) A fee that represents 50 percent of the established application fee when a corporate licensee changes who has the authority to select a majority of the board of directors.

(C) A fee of twenty-five dollars (\$25) when an existing licensee seeks to either increase or decrease the licensed capacity of the facility.

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86036 APPLICATION PROCESSING AND ANNUAL LICENSE FEES (Continued) 86036

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(D) An orientation fee of fifty dollars (\$50) for attendance by any individual at a department-sponsored orientation session.

(E) A probation monitoring fee equal to the current annual fee, in addition to the current annual fee for that category and capacity for each year a license has been placed on probation as a result of a stipulation or decision and order pursuant to the administrative adjudication procedures of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(F) A late fee that represents an additional 50 percent of the established current annual fee when any licensee fails to pay the current annual licensing fee on or before the due date as indicated by postmark on the payment.

(G) A fee to cover any costs incurred by the department for processing payments including, but not limited to, bounced check charges, charges for credit and debit transactions, and postage due charges.

(H) A plan of correction fee of two hundred dollars (\$200) when any licensee does not implement a plan of correction on or prior to the date specified in the plan.

(1) Foster family homes shall be exempt from the fees imposed pursuant to this subdivision.

(2) Foster family agencies shall be annually assessed eighty dollars (\$80) for each home certified by the agency.

(3) No local jurisdiction shall impose any business license, fee, or tax for the privilege of operating a facility licensed under this chapter which serves six or fewer persons.

(c)(1) The revenues collected from licensing fees pursuant to this section shall be utilized by the department for the purpose of ensuring the health and safety of all individuals provided care and supervision by licensees and to support activities of the licensing program, including, but not limited to, monitoring facilities for compliance with licensing laws and regulations pursuant to this chapter, and other administrative activities in support of the licensing program, when appropriated for these purposes. The revenues collected shall be used in addition to any other funds appropriated in the Budget Act in support of the licensing program. The department shall adjust the fees collected pursuant to this section as necessary to ensure that they do not exceed the costs described in this paragraph.

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(2) The department shall not utilize any portion of these revenues sooner than 30 days after notification in writing of the purpose and use of this revenue, as approved by the Director of Finance, to the Chairperson of the Joint Legislative Budget Committee, and the chairpersons of the committee in each house that considers appropriations for each fiscal year. The department shall submit a budget change proposal to justify any positions or any other related support costs on an ongoing basis.

(d) A facility may use a bona fide business check to pay the license fee required under this section.

(e) The failure of an applicant or licensee to pay all applicable and accrued fees and civil penalties shall constitute grounds for denial or forfeiture of a license.

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86036	APPLICATION PROCESSING AND ANNUAL LICENSE FEES	86036
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(Continued)

- (b) The application-processing fee shall be nonrefundable except as provided in Government Code Section 13143.

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- (1) Government Code Section 13143 reads as follows:

"Whenever any law which provides for fees or payments to a state agency does not authorize, as provided in this article, the refund of erroneous or excessive payments thereof, refunds may be made by the state agency which collected the fee or payment of any or all amounts received by the state agency in consequence of error, either of fact or of law, as to:

- (a) The proper amount of such fee or payment.
- (b) The necessity of making such payment or making or securing a permit, filing, examination, or inspection.
- (c) The sufficiency of the credentials of the applicant.
- (a)(d) The eligibility of an applicant for any other reason."

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NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1523.1 and 1524, Health and Safety Code; and Section 13143, Government Code.

Article 4. Administrative Actions

86044	INSPECTION AUTHORITY OF THE LICENSING AGENCY	86044
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- (a) In addition to Section 80044, the licensing agency has the authority to inspect the administrative office, sub-administrative office, the THPP participant living units, and the THPP staff residential units that also house or allow access to THPP participants, in compliance with Health and Safety Code Sections 1533, 1534 and 1538.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1509, 1526.5, 1531, 1533, 1534, and 1538, Health and Safety Code.

86044.5	DECERTIFICATION AUTHORITY OF THE LICENSING AGENCY	86044.5
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- (a) When the licensing agency determines that the THPP participant living unit is not in compliance with applicable statutes and regulations, the licensing agency may decertify the THPP participant living unit.
- (b) When the licensing agency determines that the THPP staff residential unit, which may house or allow access to THPP participants, is not in compliance with applicable statutes and regulations, the licensing agency may require the licensee to discontinue use of the staff residential unit.
- (c) The licensee may appeal the decertification to the Department in writing and be provided with an administrative hearing pursuant to Section 1551 of the Health and Safety Code.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1531, 1551, and 1559.115, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

86045	EVALUATION VISITS	86045
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- (a) The licensing agency shall have the authority to inspect the participant living unit used by the THPP as often as necessary to ensure the quality of care being provided.
- (b) The licensing agency shall select the participant living units to be inspected.
- (c) A representative of the THPP may accompany the licensing evaluator on an evaluation inspection.
 - (1) For complaint investigations, the licensing agency shall determine whether to have a THPP representative accompany the licensing evaluator.
- (d) The THPP shall inform the THPP participant of the licensing agency authority to conduct inspections of the participant living unit as provided by Health and Safety Code Section 1534.

NOTE: Authority cited: Section 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1509, 1530, 1533, 1534, and 1538, Health and Safety Code.

Article 5. Enforcement Provisions (Reserved)

Article 6. Continuing Requirements**86061 REPORTING REQUIREMENTS****86061**

(a) In addition to Section 80061, the following shall apply:

- (1) All THPP personnel, volunteers, licensees, and child care custodians are required to report suspected child abuse and neglect to a child protective agency and this licensing agency in accordance with Penal Code Section 11164 et seq.
 - (A) All THPP personnel and volunteers, licensees, and child care custodians shall sign a statement acknowledging their reporting responsibilities.
- (2) The licensee shall notify the THPP participant's authorized representative and placement entity when it is necessary to relocate the participant.
- (3) The licensee shall notify the THPP participant's authorized representative and placement entity no later than the next business day when the participant has been removed from the THPP participant living unit under emergency circumstances without the authorized representative's participation.
 - (A) Within three business days following relocation, the licensee shall notify the THPP participant's authorized representative and placement entity of the THPP participant's new address and telephone number.
- (4) The licensee shall notify the THPP participant's authorized representative and placement entity of all incidents reported to the licensing agency as required in Section 80061(b)(1)(A) through (J).
- (5) The licensee shall notify the licensing agency, within ten business days, of a change of administrator. The notification shall include the following:
 - (A) The name and mailing and residence address of the new administrator;
 - (B) Date the administrator assumed the position;
 - (C) Verification of the administrator's required education, experience and qualifications.
- (6) The licensee shall report to the licensing agency, the participant's authorized representative, and placement entity within 24 hours, any unexplained absence of a THPP participant, unless otherwise specified in the participant's needs and services plan.

86061 REPORTING REQUIREMENTS
(Continued)**86061**

- (7) The licensee shall submit reports to the Department, using form LIC 624-LE or a report containing all the information required in LIC 624-LE, regarding any incident that involves law enforcement contact with a participant residing in a THPP living unit.
- (A) The licensee shall make an initial report to the Department no later than the next business day following each incident. The initial report shall include all information described in items (1.) through (6.) of Section 86061(a)(7)(B) that is known to the licensee at the time the report is made.
- (B) Within six months of the incident, the licensee shall provide a follow-up report for each incident that includes the following information:
1. The type of incident.
 2. Whether the incident involved an alleged violation of any crime, other than an age-based curfew law, by a participant residing in the facility.
 3. Whether staff, participants, or both were involved.
 4. The gender, race, ethnicity, and age of participants involved.
 5. The outcome of the incident, if known, including arrests, removals of participants from placement, termination or suspension of staff, the filing of a 602 petition for the child, or revocation of or changes to the terms of probation.

86061 REPORTING REQUIREMENTS
(Continued)**86061**

- (C) The licensee may be required to provide follow-up reports beyond the first six months if the Department determines that the information provided in either the initial or follow-up reports is incomplete, or if outcomes required to be reported are not known until later than six months after the initial report.
- (D) A licensee reporting an incident under this paragraph shall not be required to report the same incident under any other provision of this Section, or under Section 80061, if all information required to be reported by the other provision is provided.
- (E) For the purposes of this subsection, “contact with law enforcement” means contact by police officers, sheriffs and others, as defined in Section 86001(l)(1), with a participant residing in a THPP living unit, which does not include routine contact with a probation officer who is supervising the placement of a participant in a THPP.

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Example: Routine contacts with probation officers do not need to be reported to the Department. However, contacting a probation officer regarding an incident involving a specific participant or participants or other contact with a probation officer that results in revocation or changes of the terms of probation, a participant being taken into the custody of probation, or the participant being removed from placement should be reported as an outcome as required in (a)(7)(B)5. if known.

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NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1531, 1538, 1538.5 and 1538.7, Health and Safety Code.

86064 ADMINISTRATOR QUALIFICATIONS AND DUTIES**86064**

(a) In addition to Section 80064, the following shall apply:

(1) All licensees shall have an administrator who meets one of the following requirements:

- (A) Have a Master's Degree in a behavioral science from an accredited graduate school, as defined in Section 94302 of the Education Code, or a graduate program approved by the California Private Post-Secondary and Vocational Education Bureau, plus at least one year of administrative experience or supervisory experience over social work, child care, or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of six or more.
- (B) Have a Master's Degree in a behavioral science from an accredited college or university, as defined in Section 94302 of the Education Code, plus two years of employment as a social worker, in an agency serving children or in a group residential program for children in an agency or in a community care facility with a licensed capacity of six or more.
- (C) Have a Bachelor's Degree from an accredited college or university as defined in Section 94302 of the Education Code, plus at least three years administrative experience or supervisory experience over social work, child care, or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of six or more.

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(D) Education Code Section 94302(a) defines accredited, in part, as:

- “(a) “Accredited” means that an institution has been recognized or approved as meeting the standards established by an accrediting agency recognized by the United States Department of Education, or the committee of bar examiners for the State of California....”

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(2) The administrator shall be responsible for the operation of the THPP.

- (A) The administrator shall be present or readily available in the THPP during regular business hours (e.g. 8:00 a.m. to 5:00 p.m.).
- (B) When the administrator is absent during regular business hours, from the THPP, there shall be coverage by the administrator's designee. If the designee does not meet the administrator qualifications there shall be immediate access to the administrator or someone who meets the administrator requirements. The administrator's designee shall have:

86064 ADMINISTRATOR QUALIFICATIONS AND DUTIES
(Continued)**86064**

1. Knowledge of the THPP operations.
 2. Training in programs provided by the THPP.
 3. Authority to correct deficiencies that constitute immediate threats to the health and safety of children in the THPP.
- (3) Additional duties of the administrator shall include:
- (A) Appointing and dismissing staff.
 - (B) Organizing and administering a program of staff development for all staff.
- (4) The administrator may also serve in another personnel capacity, provided he or she meets the applicable qualifications of both positions.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1531, and 1559.115, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

86065 PERSONNEL REQUIREMENTS**86065**

- (a) In addition to Section 80065, excluding Sections 80065(c) and (e) the following shall apply:
- (1) All THPP personnel shall, at a minimum, receive training that provides knowledge of and skill in the following areas, as evidenced by safe and effective job performance:
 - (A) All THPP personnel shall complete a minimum of one-hour training in the area of child abuse identification and reporting.
 - (B) Training for all personnel shall address cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.
 - (C) All THPP personnel shall receive training on the THPP's policies and procedures concerning when and how to involve law enforcement in response to an incident involving a participant residing in a THPP living unit.

86065 PERSONNEL REQUIREMENTS (Continued)**86065**

- (2) All THPP personnel shall, at a minimum, receive training about the characteristics of persons 16 - 21 years of age, placed in long-term foster care pursuant to Welfare and Institutions Code Section 16522.1(c).
- (3) Training for all personnel shall address the child's right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

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- (A) Welfare and Institutions Code Section 16522.1(c) states:

“A training program designed to educate employees who work directly with participants about the characteristics of persons in this age group placed on long-term care settings, and designed to ensure that these employees are able to adequately supervise and counsel participants and to provide them with training in independent living skills.”

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- (4) The THPP shall employ personnel necessary to perform the duties as follows:
 - (A) An administrator as specified in Section 86064.
 - (B) A social work supervisor as specified in Section 86065.2.
 - (C) Social work personnel as specified in Section 86065.3.

86065 PERSONNEL REQUIREMENTS (Continued)**86065**

- (5) The THPP shall have qualified social work personnel available on a 24-hour basis to respond to any emergency.
- (6) The THPP shall employ or retain qualified consultants necessary to implement the plan of operation.
- (7) THPP personnel, who provide care and supervision of foster youth, shall be trained on existing laws and procedures regarding the safety of foster youth at school as specified in the California Student Safety and Violence Prevention Act of 2000.

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Education Code section 32228 provides:

"(a) It is the intent of the Legislature that public schools serving pupils in any of grades 8 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools.

(b) It is also the intent of the Legislature that public schools have access to supplemental resources to combat bias on the basis of race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, as defined in subdivision (q) of Section 12926 of the Government Code, and to prevent and respond to acts of hate violence and bias related incidents. Sexual orientation shall not include pedophilia.

(c) It is further the intent of the Legislature that schoolsites receiving funds pursuant to this article accomplish all of the following goals:

- (1) Teach pupils techniques for resolving conflicts without violence.
- (2) Train school staff and administrators to support and promote conflict resolution and mediation techniques for resolving conflicts between and among pupils.
- (3) Reduce incidents of violence at the schoolsite with an emphasis on prevention and early detection.
- (4) Provide age-appropriate instruction in domestic violence prevention, dating violence prevention, and interpersonal violence prevention."

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NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1501, 1506, 1529.2, 1531 and 1559.115, Health and Safety Code; Sections 16001.9, and 16522.1, Welfare and Institutions Code; and Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

86065.2 SOCIAL WORK SUPERVISOR**86065.2**

- (a) Each social work supervisor in a THPP shall be responsible for, but not limited to, the following duties:
- (1) Orientation and training of new social work personnel.
 - (2) Review and oversight of assigned social work personnel to ensure compliance with applicable laws, regulations, policies and procedures.
- (b) Social work supervisors shall meet the following education and experience requirements:
- (1) A Master's Degree from an accredited graduate school, as defined in Section 94302 of the Education Code, or a graduate program approved by the California Private Post-Secondary and Vocational Education Bureau in one or more of the following areas:
 - (A) Social work or social welfare;
 - (B) Marriage, family and child counseling;
 - (C) Child psychology, child development;
 - (D) Counseling psychology, social psychology;
 - (E) Clinical psychology or Educational psychology, consistent with the scope of practice as described in Section 4986.10 of the Business and Professions Code;
 - (F) Education with a counseling emphasis; or
 - (G) Equivalent Master's Degree in human services or behavioral science degree as determined by the Department.
 - (2) In addition to the degree specifications, all of the following coursework and field practice or experience shall be completed prior to employment:
 - (A) At least three semester units or 100 days of internship, field practice or experience in a public or private social service agency setting at the Master's Degree level.
 - (B) At least nine semester units of coursework related to children and families or 18 months experience working with children and families.

86065.2 SOCIAL WORK SUPERVISOR (Continued)**86065.2**

- (C) At least three semester units in working with minority populations; or six months of experience in working with minority populations; or six months in-service training in working with minority populations within the first year of employment as a condition of employment.
 - (D) At least three semester units in child welfare, or two years experience in a public or private child welfare social services setting.
- (3) Three years of full-time social work or casework employment in the field of family or child welfare services.
- (c) Documentation of the completed education and experience requirements shall be maintained in the personnel file.
- (d) The licensing agency may approve a waiver of this section when a county is the licensee and county department of social services or probation department personnel performs the duties of the social work supervisor.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1506, 1531, and 1559.115, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

86065.3 SOCIAL WORK PERSONNEL**86065.3**

- (a) Social work personnel shall be employed to provide the social services of the THPP.
- (b) Social work personnel shall meet the following education and experience requirements:
 - (1) Master's Degree from an accredited graduate school, as defined in Section 94302 of the Education Code or a graduate program approved by the California Private Post-Secondary and Vocational Education Bureau, in one of the following areas:
 - (A) Social work or social welfare;
 - (B) Marriage, family and child counseling;
 - (C) Child psychology, child development;

86065.3 SOCIAL WORK PERSONNEL (Continued)**86065.3**

- (D) Counseling psychology, social psychology;
 - (E) Clinical psychology or Educational psychology, consistent with the scope of practice as described in Section 4986.10 of the Business and Professions Code;
 - (F) Education with an emphasis on counseling; or
 - (G) Equivalent Master's Degree in human services or behavioral science degree as determined by the Department.
- (c) In addition to the degree specifications, all of the following coursework and field practice or experience shall be completed prior to employment:
- (1) At least three semester units or 100 days of field practice or experience in a public or private social service agency setting at the Master's Degree level.
 - (2) At least nine semester units of coursework related to children and families or 18 months of experience working with children and families.
 - (3) At least three semester units in working with minority populations; or six months of experience in working with minority populations; or six months in-service training in working with minority populations within the first year of employment as a condition of employment.
 - (4) At least three semester units in child welfare, or two years of experience in a public or private child welfare social services setting.
- (d) Documentation of the required education and experience requirements shall be maintained in the personnel file.
- (e) For social work personnel who do not meet the Master's Degree requirements specified in Section 86065.3(b)(1) above, the licensee may apply to the Department for an exception, if all of the following exist:
- (1) A supervisor who meets the requirements of Section 86065.2 supervises the social work personnel.
 - (2) The social work personnel have completed the coursework and field practice or experience requirements specified in Section 86065.3 (c) above.
 - (3) The personnel in question have at least a Baccalaureate Degree in a human services or a behavioral science from an accredited school.

86065.3	SOCIAL WORK PERSONNEL (Continued)	86065.3
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- (f) Social work personnel shall be responsible for the following:
- (1) Evaluation and assessment of the eligible youth for participation in the THPP program.
 - (2) Supervision of the placement of participants in the THPP participant living unit.
 - (3) Development and updating of the needs and services plan of THPP participants.
 - (4) Provision of support services to THPP participants.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1506, 1531, and 1559.115, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

86065.4	SOCIAL WORK SUPERVISOR/SOCIAL WORKER RATIO	86965.4
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- (a) The THPP shall employ:
- (1) One full-time social work supervisor for every eight social workers, or fraction thereof.
 - (2) A social work supervisor may function as a social worker when fewer than eight social workers are supervised and the supervisor shall be allowed to carry only three cases in place of supervising one social worker.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

86065.5	SOCIAL WORKER RATIOS	86065.5
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- (a) The THPP shall have a social worker on call 24 hours per day.
- (b) The THPP shall employ the equivalent of one full-time social worker for every 25 participants.
- (c) Regardless of how many THPPs or other facilities a social worker is employed by, his or her entire caseload shall not exceed 25.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522, Welfare and Institutions Code.

86066 PERSONNEL RECORDS**86066**

- (a) In addition to Section 80066, the following shall apply:
- (1) The THPP shall maintain the following personnel records:
 - (A) Documentation that THPP personnel have completed the required training.
 - (B) Documentation that THPP personnel meet the education and experience requirements.
 - (C) A record of THPP personnel annual performance evaluations.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

86068.1 INTAKE PROCEDURES**86068.1**

- (a) The THPP shall develop, maintain and implement intake procedures that meet the requirements specified in Welfare and Institutions Code Section 16522.1.
- (b) Upon placement, THPP social work personnel shall obtain the following:
- (1) The needs and services plan and transitional independent living plan (TILP) as specified in Section 86068.2;
 - (2) Other information specified in Section 80070;
 - (3) Signed admission agreement, as specified in Section 80068.
- (c) THPP social work personnel shall review the information and determine:
- (1) The THPP's ability to meet the individual needs of the participant;
 - (2) The THPP's ability to continue meeting the needs of other participants in placement.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1507, and 1559.110, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

**86068.2 NEEDS AND SERVICES AND TRANSITIONAL
INDEPENDENT LIVING PLAN (TILP)****86068.2**

- (a) At the time of placement, the THPP social work personnel in consultation with the authorized representative shall commence a needs and services plan for each participant. The needs and services plan describes the following:
- (1) Participant's name;
 - (2) Age;
 - (3) Physical limitations;
 - (4) History of infections or contagious diseases;
 - (5) History of other medical, emotional, behavioral and physical problems;
 - (6) Ability of participant to manage his or her own cash resources;
 - (7) Visitation, including limitations on visits to the family residence and other visits inside and outside the transitional housing unit;
 - (8) Limitations on written and telephonic communication, if ordered by a court;
 - (9) Current service needs;
 - (10) Planned length of placement.
 - (11) Any applicable collateral needs appraisals or individualized program plans completed by the placement agency or consultant.
 - (12) Plans for providing services to meet the individual needs identified above.
 - (13) Signature of the participant's authorized representative.
 - (14) Signature of the participant.
- (b) Social work personnel shall obtain and utilize the TILP in completing the needs and services plan.
- (1) If the THPP is unable to obtain the TILP, the participant's file shall document the efforts to obtain the TILP.

**86068.2 NEEDS AND SERVICES AND TRANSITIONAL
INDEPENDENT LIVING PLAN (TILP) (Continued)****86068.2**

- (c) The needs and services plan shall be completed within 30 calendar days from the date of placement in the transitional housing unit.
- (d) The THPP shall provide the participant and his/her authorized representative with a copy of the modified needs and services plan.
- (e) Unless restricted by the case plan adopted by the court or other court order, connections between the participant and the participant's family and non-relative extended family members shall be permitted. Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1507, 1531, and 1559.110, Health and Safety Code; Sections 366.1, 366.21, 16001.9 and 16522.1, Welfare and Institutions Code; and Sections 675 and 677, Title 42 United States Code.

**86068.3 MODIFICATIONS TO NEEDS AND SERVICES AND
TRANSITIONAL INDEPENDENT LIVING PLANS****86068.3**

- (a) The needs and services plan and TILP specified in Section 80068.2 shall be reviewed at least every six months to determine the following:
 - (1) The participant's need for continuing services;
 - (2) The need for modification in services.
 - (A) All needs for modification shall be documented in writing.
 - (B) If it is determined that the TILP requires modification, THPP social work personnel shall contact the participant's authorized representative to request a new TILP.
- (b) The licensee shall ensure the participant and his or her authorized representative are offered the opportunity to participate in each review.
 - (1) Modifications of the needs and services plan shall not be implemented unless prior written approval of the plan has been obtained from the participant's authorized representative.
- (c) The THPP shall provide the participant and his/her authorized representative with a copy of the modified needs and services plan.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1507, 1531, and 1559.110, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Title 42 USC Sections 675 and 677 of the Social Security Act.

86068.4 REMOVAL AND/OR DISCHARGE PROCEDURES**86068.4**

- (a) The licensee shall develop, maintain and implement written policies and procedures governing a THPP participant's removal and/or discharge from a THPP.
 - (1) Pursuant to Welfare and Institutions Code Section 16522.1(h)(21), grounds for termination may include, but shall not be limited to, illegal activities or harboring runaways.
- (b) The licensee shall ensure the participant and his/her authorized representative are offered the opportunity to participate in the development of a discharge plan for the participant.
 - (1) The THPP shall provide the participant and his/her authorized representative with a copy of the discharge plan.
- (c) When the licensee determines the THPP can no longer meet the needs of the participant, the licensee shall notify the authorized representative of the determination and provide written notification that the participant shall be removed within seven days.
- (d) THPP personnel shall not prevent the removal of the participant from the THPP participant living unit under emergency circumstances by an authorized representative.
 - (1) Emergency circumstances include but are not limited to:
 - (A) Removal by law enforcement officer(s) when a participant is arrested or when the participant in the home is endangered by his/her continued presence in the home;
 - (B) Removal for emergency medical or psychiatric care;
 - (C) Relocation by the participant's authorized representative.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

86070 PARTICIPANT RECORDS**86070**

- (a) In addition to Section 80070, the following shall apply:
- (b) Each THPP participant's record shall contain at least the following:
 - (1) Copy of important documents, including but not limited to a certified birth certificate; a social security card; an identification card and/or driver's license; a proof of citizenship or residency status (for undocumented aliens, receipt of a completed application for Special Immigrant Juvenile Status (SIJ) pursuant to 8 C.F.R. Section 204.11 or other naturalization process); death certificate(s) of parent or parents; a proof of county dependency status for education aid applications; school records; immunization records; medical records; a Health and Education Passport; a work permit; written information concerning the child's dependency case including: information about the child's family history; the child's placement history; the names, phone numbers and addresses of siblings and other relatives; the procedures for inspecting the documents described under Welfare and Institutions Code Section 827; information regarding jurisdiction termination hearings and the potential consequences of a failure to attend the participant's birth certificate, if available.
 - (2) Date of placement in the THPP participant living unit.
 - (3) Name, address and telephone number of person(s) to be contacted in an emergency when the participant's authorized representative cannot be contacted.
 - (4) Name of the participant's current employer and current phone number and address of employment.
 - (5) Written consent that authorizes the licensee to obtain other than ordinary medical and dental care in an emergency when the authorized representative is unavailable.
 - (6) Names of all persons specifically prohibited pursuant to Welfare and Institutions Code Sections 16001.9(a)(6) and (7) to take the participant out of the THPP participant living unit.
 - (7) Religious preference and the name and address of clergyman or religious advisor if any.
 - (8) A copy of the participant's needs and services plan and TILP and any modifications.
 - (9) A record of the continuing health needs and services received while the participant is in the THPP, including but not limited to, physical therapy and counseling.
- (c) A copy of the participant's child(ren)'s record shall be maintained in the THPP office and staff residential unit, if applicable.

86070 PARTICIPANT RECORDS (Continued)**86070**

- (d) When the participant is transferred from the program, the original or photographic reproduction of the participant's and the participant's child(ren)'s record shall be:
- (1) Given to the participant's primary placing agency, and;
 - (2) A copy to any other participant authorized representative, if applicable, and;
 - (3) The participant.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code; Sections 16001.9 and 16522.1, Welfare and Institutions Code; and Title 42 USC Sections 675 and 677 of the Social Security Act.

86072 PERSONAL RIGHTS**86072**

- (a) A licensee is not subject to Section 80072.
- (b) Each participant, and his/her authorized representative, shall be personally advised and given at admission a copy of the rights specified below.
- (c) A licensee shall ensure that each participant is accorded the personal rights specified in Welfare and Institutions Code section 16001.9 and the following personal rights:
- (1) To be accorded safe, healthful and comfortable home accommodations, furnishings and equipment that are appropriate to his/her needs.
 - (2) To be free from corporal or unusual punishment: infliction of pain: humiliation: intimidation: ridicule: coercion: threat: physical, sexual, emotional mental, or other abuse: or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.
 - (3) To be informed and to have his or her authorized representative informed, by the licensee of the provisions of law regarding complaints including the address and telephone number of the licensing agency and about the confidentiality of complaints.

86072 PERSONAL RIGHTS (Continued)

86072

- (4) To have access to letter writing material.
- (5) To be accorded dignity in his or her personal relationships with others in the facility.
 - (A) To be free from unreasonable searches of person.
- (6) To be accorded the independence appropriate to the age, maturity, and capability of a participant consistent with the Needs and Services Plan or the Transitional Independent Living Plan (TILP) for the participant.
- (7) Provided the rights of others are not infringed upon, to have visitors as specified by the licensee's policies, in accordance with Welfare and Institutions Code Section 16522.1 that include:
 - (A) Relatives, unless prohibited by court order.
 - (B) The authorized representative for a participant.
 - (C) Other visitors unless prohibited by court order or by the authorized representative for a participant.
- (8) To possess and control his/her own cash resources unless otherwise agreed to in the participant's needs and services or TILP and by the participant's placing agency and authorized representative.
- (9) To possess and use his/her own personal possessions, including toilet articles.
 - (A) Clothing and personal items provided shall be in accordance with Welfare & Institutions Code section 16001.9(a)(23).
 - (B) Toiletries and personal hygiene products.
 - (C) Personal belongings, including items that were a gift to the participant unless prohibited as part of a discipline program.
- (10) To make and receive confidential telephone calls, and send and receive unopened mail and electronic communication, unless prohibited by court order.
 - (A) Reasonable restrictions may be imposed by a licensee, social worker, or probation officer on calls and correspondence.

86072 PERSONAL RIGHTS (Continued)

86072

- (B) In addition to (A), a licensee may:
1. Request reimbursement for the cost of long distance calls made by a participant, from the participant or his or her authorized representative,
 2. Deny the making of long distance calls by a participant upon verification that previous long distance calls have not been paid,
 3. Ensure that telephone use does not infringe upon the rights of others, nor tie up the phone during emergencies, and
 4. Restrict the telephone use of a participant except as provided in (D) below, subject to social worker or probation officer review.
 5. Restrict Internet usage when appropriate.
- (C) No restrictions shall be applied to telephone calls, mail, and electronic communication with relatives, including brothers and sisters, unless prohibited by court order.
- (D) No restrictions shall be applied to telephone calls, mail, and electronic communication with social workers, authorized representatives, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.

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Please refer to [Welfare & Institutions Code section 16001.9](#) for a complete list of personal rights.

Welfare and Institutions Code section 16001.9, subsection (a) provides in part:

- "(a) It is the policy of the state that all minors and nonminors in foster care shall have the following rights:
- (1) To live in a safe, healthy, and comfortable home where he or she is treated with respect.
 - (2) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
 - (3) To receive adequate and healthy food, adequate clothing, and, for youth in group homes, an allowance.
 - (4) To receive medical, dental, vision, and mental health services.

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86072 PERSONAL RIGHTS (Continued)

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- (5) To be free of the administration of medication or chemical substances, unless authorized by a physician.
- (6) To contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASAs), and probation officers.
- (7) To visit and contact brothers and sisters, unless prohibited by court order.
- (8) To contact the Community Care Licensing Division of the State Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.
- (9) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
- (10) To attend religious services and activities of his or her choice.
- (11) To maintain an emancipation bank account and manage personal income, consistent with the child's age and developmental level, unless prohibited by the case plan.
- (12) To not be locked in a room, building, or facility premises, unless placed in a community treatment facility.
- (13) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level, with minimal disruptions to school attendance and educational stability.
- (14) To work and develop job skills at an age-appropriate level, consistent with state law.
- (15) To have social contacts with people outside of the foster care system, including teachers, church members, mentors, and friends.
- (16) To attend Independent Living Program classes and activities if he or she meets age requirements.
- (17) To attend court hearings and speak to the judge.
- (18) To have storage space for private use.

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86072 PERSONAL RIGHTS (Continued)

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- (19) To be involved in the development of his or her own case plan and plan for permanent placement.
- (20) To review his or her own case plan and plan for permanent placement, if he or she is 12 years of age or older and in a permanent placement, and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
- (21) To be free from unreasonable searches of personal belongings.
- (22) To the confidentiality of all juvenile court records consistent with existing law.
- (23) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- (24) To be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in their court or child welfare records.
- (25) To have caregivers and child welfare personnel who have received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.
- (26) At 16 years of age or older, to have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs, and information regarding financial aid for postsecondary education.
- (27) To have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections at 12 years of age or older."

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86072 PERSONAL RIGHTS (Continued)**86072**

- (d) In ensuring the rights of a participant, a licensee is not required to permit or take any action that would impair the health and safety of a participant or others in the facility as specified in Welfare & Institutions Code Section 16001.9(b).

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Welfare and Institutions Code section 16001.9, subsection (b) provides:

- "(b) Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement."

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NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code, Section 16522, Welfare and Institutions Code. Reference: Sections 1501, 1531, Health and Safety Code; Sections 16001.9, 16500, and 16522.1, Welfare and Institutions Code.

86072.1 EDUCATIONAL OPTIONS (Cont.)**86072.1**

- (a) The licensee shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Welfare and Institutions Code section 16001.9(a)(26). The information may include, but is not limited to, any of the following:
- (1) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools;
 - (2) Informational brochures on postsecondary or vocational schools/programs;
 - (3) Campus tours;
 - (4) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth;
 - (5) School sponsored events promoting postsecondary or vocational school/programs; and
 - (6) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to current or former foster youth and contact information for the Student Aid Commission.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code.

86073 TELEPHONE SERVICE**86073**

- (a) In addition to Section 80073 the following shall apply:
- (1) The licensee shall ensure that the THPP administrative office, sub-administrative office, staff residential living unit and the participant living unit have telephone service on the premises at all times.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522.1; Welfare and Institutions Code.

86074 TRANSPORTATION**86074**

(a) In addition to Section 80074 the following shall apply:

- (1) When transporting participants, the licensee shall ensure the participants and the participant's children are secured in a safety restraint system in accordance with Vehicle Code Sections 27315(e) and 27360(a).

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- (A) Vehicle Code Section 27315(e) provides in part:

No person 16 years of age or over shall be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt.

- (B) Vehicle Code Section 27360(a) provides in part:

No parent or legal guardian, when present in a motor vehicle, as defined in Section 27315, shall permit his or her child or ward to be transported upon a highway in the motor vehicle without providing and properly securing the child or ward, in a passenger restraint system meeting applicable federal motor vehicle safety standards....

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- (2) The licensee and his/her staff are prohibited from smoking a tobacco product, or permitting any person from smoking a tobacco product in a motor vehicle that is regularly used to transport children, regardless of when the children are present. This prohibition applies when the motor vehicle is moving or at rest. Smoking has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code, and tobacco product means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

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Business and Professions Code sections 22950.5(c) and (d) provide:

(c) "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

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86074 TRANSPORTATION
(continued)**86074**

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(d) (1) "Tobacco product" means any of the following:

(A) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.

(B) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

(C) Any component, part, or accessory of a tobacco product, whether or not sold separately.

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NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1530.7, 1531 and 118948, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; Sections 27315 and 27360, Vehicle Code; and 22950.5(c) and (d), Business and Professions Code.

86075 HEALTH-RELATED SERVICES**86075**

(a) THPP licensees are not subject to the provisions in Section 80075. Instead, THPP licensees are subject to the following and shall ensure that:

(b) Each THPP participant shall receive all necessary medical, dental, vision and mental health services.

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86075 HEALTH-RELATED SERVICES (Continued)**86075**

- (c) The THPP participant's physician has stated, in writing, that the THPP participant is able to determine and administer his/her own prescription or nonprescription PRN medication.
- (d) First aid supplies shall be maintained in the THPP participant living unit and staff residential unit.
 - (1) Supplies shall include at least the following:
 - (A) Current edition of a first aid manual approved by the American Red Cross, the American Medical Association or a state or federal health agency.
 - (B) Sterile first aid dressings.
 - (C) Bandages or roller bandages.
 - (D) Adhesive tape.
 - (E) Scissors.
 - (F) Tweezers.
 - (G) Thermometers.
 - (H) Antiseptic solution.
 - (2) THPP employees responsible for providing direct care and supervision of participants shall receive training in CPR and First Aid, and should maintain an age appropriate certification in CPR from persons qualified to provide such training.
 - (3) Participants with children residing in the living unit shall receive training in First Aid and an age appropriate CPR from persons qualified to provide such training.
 - (4) Proof of successful completion of training and current certification shall be maintained in the personnel and participants' records.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1507, 1522.42, and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

86078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**86078**

- (a) THPP licensees are not subject to the provisions in Section 80078. Instead, THPP licensees are subject to the following and the following shall apply:
- (1) The licensee shall provide those services identified in the THPP participant's needs and services plan and transitional independent living plan as necessary to meet the participant's needs.
 - (2) The licensee is responsible for ensuring that the THPP participant provides care and supervision for the participant's child(ren).
 - (3) No social work staff shall have participants who are located more than two hours' travel by automobile from the THPP office in their caseload.
- (b) The licensing agency retains the authority to require additional staff, including social workers when the agency determines it is necessary to provide for the appropriate care and supervision of the participants.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1507, 1531, and 1559.110, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Title 42 USC Sections 675 and 677 of the Social Security Act.

Article 7. Physical Environment**86087 BUILDINGS AND GROUNDS****86087**

- (a) THPP licensees are not subject to the provisions in Section 80087. Instead, THPP licensees are subject to the following and the following shall apply.
- (1) The licensee shall ensure the THPP participant living unit meets, at a minimum, the following requirements:
 - (A) No more than two THPP participants shall share a bedroom.
 - (B) THPP participants of different sexes shall not share a bedroom unless:
 1. A minor parent may share a bedroom with their child of a different sex.
 2. A licensee is permitting a THPP participant to share a bedroom consistent with their gender identity regardless of the gender or sex listed on the court or child welfare documents.
 - (C) No area commonly used for other purposes shall be used as a bedroom.
 - (1) Such areas include but are not limited to halls, stairways, unfinished attics or basements, garages, storage areas or sheds, or similar detached buildings.

86087 BUILDINGS AND GROUNDS (Continued)

86087

- (D) No bedroom shall be used as a public or general passageway to another room.
 - (1) When the THPP participant living unit is a studio apartment, the licensing agency may grant an exception pursuant to Section 80024(b) only when the studio apartment is occupied exclusively by the THPP participant, or the participant and his or her own child(ren).
- (b) A THPP participant may share a bedroom with his or her own child(ren), regardless of the ages of the participant and his or her own child(ren).
 - (1) THPP participants shall not share a bedroom with an adult who is not a THPP participant unless the adult is a THP-Plus participant.
 - (2) The licensing agency may approve an exception when all of the following conditions are met:
 - (A) Two minor THPP participants have been sharing a bedroom and one of the participants turns 18 years of age;
 - (B) One of the participants otherwise meets all of the requirements of Welfare and Institutions Code Section 11403;
 - (C) Both are participants;
 - (D) The participants remain compatible.
 - (3) Subsections 86087(a)(1)(A) through 86087(b)(4) apply to all bedrooms used by all persons residing in the THPP, including the participants in placement and their own children, and the THPP employees.
 - (4) THPP employees shall not share a bedroom with THPP participants.
- (c) When a THPP participant has a disability, the licensee shall make necessary specific provisions, including but not limited to, alterations to the building and grounds as required to protect and to assist the participant and maximize the participant's potential for self sufficiency.
- (d) Notwithstanding Section 80087(h), firearms and other weapons shall not be stored in the THPP participant living units.

86087 BUILDINGS AND GROUNDS (Continued)**86087**

- (e) Notwithstanding Section 80087(h), disinfectants, cleaning solutions, poisons and other items that could pose a danger when accessible shall be stored where inaccessible when the following conditions exist:
- (1) The child(ren) of a THPP participant resides in the THPP participant living unit; or,
 - (2) When required by a participant's needs and services plan.
- (f) The licensee shall prohibit smoking in the facility and on the grounds of the facility.
- (g) Each approved housing model shall have one or more carbon monoxide detectors that meets the standards established in Health and Safety Code Chapter 8 (commencing with Section 13260) of Part 2 of Division 12.

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Health and Safety Code Section 13260 provides:

"This chapter shall be known and may be cited as the Carbon Monoxide Poisoning Prevention Act of 2010."

Health and Safety Code Section 13261 provides:

"The Legislature finds and declares all of the following:

- (a) According to the American Medical Association, carbon monoxide is the leading cause of accidental poisoning deaths in the United States. The federal Centers for Disease Control and Prevention estimate that carbon monoxide kills approximately 500 people each year and injures another 20,000 people nationwide.
- (b) According to the United States Environmental Protection Agency, a person cannot see or smell carbon monoxide. At high levels carbon monoxide can kill a person in minutes. Carbon monoxide is produced whenever any fuel, such as gas, oil, kerosene, wood, or charcoal, is burned.
- (c) The State Air Resources Board estimates that every year carbon monoxide accounts for between 30 and 40 avoidable deaths, possibly thousands of avoidable illnesses, and between 175 and 700 avoidable emergency room and hospital visits.
- (d) There are well-documented chronic health effects of acute carbon monoxide poisoning or prolonged exposure to carbon monoxide, including, but not limited to, lethargy, headaches, concentration problems, amnesia, psychosis, Parkinson's disease, memory impairment, and personality alterations.

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86087 BUILDINGS AND GROUNDS (Continued)

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(e) Experts estimate that equipping every home with a carbon monoxide device would cut accident-related costs by 93 percent. Eighteen states and a number of large cities have laws mandating the use of carbon monoxide devices.

(f) Carbon monoxide devices provide a vital, highly effective, and low-cost protection against carbon monoxide poisoning and these devices should be made available to every home in California.

(g) The Homeowners' Guide to Environmental Hazards prepared pursuant to Section 10084 of the Business and Professions Code is an important educational tool and should include information regarding carbon monoxide. It is the intent of the Legislature that when the booklet is next updated as existing resources permit, or as private resources are made available, it be updated to include a section on carbon monoxide."

Health and Safety Code section 13262 provides:

"For purposes of this chapter, the following definitions shall apply:

(a) 'Carbon monoxide device' means a device that meets all of the following requirements:

(1) A device designed to detect carbon monoxide and produce a distinct, audible alarm.

(2) A device that is battery powered, a plug-in device with battery backup, or a device installed as recommended by Standard 720 of the National Fire Protection Association that is either wired into the alternating current power line of the dwelling unit with a secondary battery backup or connected to a system via a panel.

(3) If the device is combined with a smoke detector, the combined device shall comply with all of the following:

(A) The standards that apply to carbon monoxide alarms as described in this chapter.

(B) The standards that apply to smoke detectors, as described in Section 13113.7.

(C) The combined device emits an alarm or voice warning in a manner that clearly differentiates between a carbon monoxide alarm warning and a smoke detector warning.

(4) The device has been tested and certified, pursuant to the requirements of the American National Standards Institute (ANSI) and Underwriters Laboratories Inc. (UL) as set forth in either ANSI/UL 2034 or ANSI/UL 2075, or successor standards, by a nationally recognized testing laboratory listed in the directory of approved testing laboratories established by the Building Materials Listing Program of the Fire Engineering Division of the Office of the State Fire Marshal of the Department of Forestry and Fire Protection.

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86087 BUILDINGS AND GROUNDS (Continued)

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(b) 'Dwelling unit intended for human occupancy' means a single-family dwelling, factory-built home as defined in Section 19971, duplex, lodging house, dormitory, hotel, motel, condominium, stock cooperative, time-share project, or dwelling unit in a multiple-unit dwelling unit building or buildings. "Dwelling unit intended for human occupancy" does not mean a property owned or leased by the state, the Regents of the University of California, or a local governmental agency.

(c) 'Fossil fuel' means coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products, which emit carbon monoxide as a byproduct of combustion."

Health and Safety Code Section 13263 provides:

"(a) (1) The State Fire Marshal shall develop a certification and decertification process to approve and list carbon monoxide devices and to disapprove and delist previously approved devices, if necessary. The certification and decertification process shall include consideration of effectiveness and reliability of the devices, including, but not limited to, their propensity to record false alarms. The certification and decertification process shall include a review of the manufacturer's instructions and shall ensure their consistency with building standards applicable to new construction for the relevant type of occupancy with respect to number and placement.

(2) The State Fire Marshal shall charge an appropriate fee to the manufacturer of a carbon monoxide device to cover his or her costs associated with the approval and listing of carbon monoxide devices.

(b) A person shall not market, distribute, offer for sale, or sell any carbon monoxide device in this state unless the device and the instructions have been approved and listed by the State Fire Marshal."

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(h) In every situation where children share a bedroom, the licensee shall document that the bedroom sharing arrangement ensures the health and safety of each child and that the children are compatible. When considering compatibility a licensee shall consult with children in their care, in an age and developmentally appropriate manner, regarding the child's sexual orientation and gender identity and what information the child wishes to disclose and to whom. A licensee shall not disclose information about the child's sexual orientation and/or gender identity against the child's wishes, unless compelled to do so by law or court order. This documentation shall be maintained in the child's record.

NOTE: Authority cited: Sections 1502.8, 1530 and 1559.110 Health and Safety Code. Reference: Sections 1501, 1503.2, 1531, 1559.110, 13260, 13261, 13262 and 13263 Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and *"The Health Consequences of Involuntary Exposure to Tobacco Smoke": A Report of the Surgeon General (2006).*

86087.1 ADMINISTRATIVE OFFICE/SUB-ADMINISTRATIVE OFFICES**86087.1**

- (a) The THPP licensee shall maintain an administrative office that provides privacy for confidential interviews.
 - (1) All participant records shall be maintained in a secure area or locked file cabinets in the administrative office.
 - (2) Copies of confidential records maintained in a THPP staff residential unit shall be kept in a secure area or in a locked file cabinet.
- (b) The administrative office shall maintain the following records:
 - (1) Participant records;
 - (2) Personnel records; and
 - (3) Listing of all THPP participants and living units.
- (c) The administrative office shall not be located more than two hours' travel by automobile from the THPP participant living units.
- (d) A sub-administrative office shall meet all of the same requirements of Sections 86087.1(a) through (c) above.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

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86088 FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES**86088**

- (a) THPP licensees are not subject to the provisions in Section 80088. Instead, THPP licensees are subject to the following and the following shall apply:
- (1) The licensee shall ensure that each THPP participant living unit and the THPP staff residential unit which also may house or allow access to THPP participants, has at least one toilet, sink and tub or shower, all in working order.
 - (2) The licensee shall ensure that each THPP participant and his or her minor child(ren) are provided with household essentials including, but not limited to: cooking utensils, furniture, equipment, supplies, and linens.
 - (A) All of the essential items above shall be age and developmental stage appropriate to the participants and his/her children as applicable.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.

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